

JURISPRUDENCE

Peter Mirfield

Week 4

Dworkin

A. Reading

Dworkin, *Taking Rights Seriously*, Chs. 2, 3 and 4

Dworkin, *Law's Empire*, pp. 78-86 and Chs. 6-7

Hart, *The Concept of Law* (2nd ed. 1994), Ch. 7 and Postscript

Harris (1989) 52 M.L.R. 42, at pp. 48-57

Mackie, "The Third Theory of Law" in *Ronald Dworkin and Contemporary Jurisprudence*, ed. Cohen

Finnis (1987) 6 Law and Philosophy 357

MacCormick, *Legal Reasoning and Legal Theory* (2nd ed. 1994), pp. 229-264

Harris, *Law and Legal Science*, pp. 150-164

Endicott (2001) 5 Journal of Ethics 199

Gardner (1988) 8 O.J.L.S. 457

B. Essay

How much of Dworkin's theory of law can and should positivism accommodate? Is he own theory really a "third theory of law", or just a positivist theory, or a natural law theory, in disguise?

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